

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

FOR COURT USE ONLY

Michael Jones**505 N Tustin Ave, Ste 105****Santa Ana, CA 92705****714-795-2346 Fax: 888-341-5213**California State Bar Number: **271574****mike@mjthelawyer.com**☒ *Attorney for Debtor***UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re:

GRAHAM DOUGLAS ANDERSENCASE NO.: **8:15-bk-10001-CB**CHAPTER 13**NOTICE OF OBJECTION TO CLAIM**DATE: **July 9, 2015**TIME: **1:30 PM**COURTROOM: **5D**PLACE: **411 W Fourth Street, Santa Ana,
CA 92701**

Debtor(s).

1. TO (specify claimant and claimant's counsel, if any): **CAVALRY SPV I, LLC**
2. NOTICE IS HEREBY GIVEN that the undersigned has filed an objection to your Proof of Claim (Claim # 5) filed in the above referenced case. The Objection to Claim seeks to alter your rights by disallowing, reducing or modifying the claim based upon the grounds set forth in the objection, a copy of which is attached hereto and served herewith.
3. **Deadline for Opposition Papers:** You must file and serve a response to the Objection to Claim not later than 14 days prior to the hearing date set forth above.

IF YOU FAIL TO TIMELY RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.

Date: June 18, 2015

M. Jones & Associates, PC

Printed name of law firm

/s/ Michael Jones

Signature

Date Notice Mailed: June 18, 2015

Michael Jones

Printed name of attorney for objector

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
505 N Tustin Ave, Ste 105
Santa Ana, CA 92705

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF OBJECTION TO CLAIM** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **June 18, 2015**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On **June 18, 2015**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **June 18, 2015**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Hon. Catherine Bauer by chambers dropbox per local rules.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

June 18, 2015
Date

Michael Jones
Printed Name

/s/ Michael Jones
Signature

Parties served by ECF

- Kari J Archibald KARI.J.WILLIAMS@WELLSFARGO.COM
- Amrane (SA) Cohen (TR) efile@ch13ac.com
- Joseph C Delmotte ecfcacb@aldridgepite.com,
JCD@ecf.inforuptcy.com;jdelmotte@aldridgepite.com
- Sheryl K Ith sith@cookseylaw.com
- Michael Jones mike@mjthelawyer.com, michaeljonesmyecfmail@gmail.com
- Meghan Reingardt meghan.reingardt@wellsfargo.com
- Ramesh Singh claims@recoverycorp.com
United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

Parties Served by Mail

Cavalry SPV I, LLC as assignee of Capital One Bank (USA), N.A.
c/o Bass & Associates, P.C.
3936 E Ft. Lowell Road Suite #200
Tucson, AZ 85712

Michael Jones, SBN 271574
M. Jones & Associates, PC
505 N. Tustin Ave, Ste 105
Santa Ana, CA 92705
Telephone: 714-795-2346
Facsimile: (888) 341-5213
Email: michael@mjonessandassociates.com

Attorneys for Debtor

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION**

In Re:

GRAHAM DOUGLAS ANDERSEN

Debtor(s).

Case No. 8:15-bk-10001-CB

In Chapter 13 Proceedings

**OBJECTION TO CLAIM OF CAVALRY
SPV I, LLC, CLAIM 5**

Hearing Date: July 9, 2015

Hearing Time: 1:30 PM

Hearing Crtrm: 5D

**Hearing Place: 411 W Fourth Street,
Santa Ana, CA 92701**

COMES NOW THE DEBTORS GRAHAM DOUGLAS ANDERSEN (“Debtors”), by and through their undersigned counsel, and object to the proof of claim filed by Cavalry SPV I, LLC (“Creditor”), Claim 5, in accordance with Rule 3007 of the Federal Rules of Bankruptcy Procedure. In support of their Objection, Debtors show the Court as follows:

1. Debtors’ Declaration in support of this objection is attached hereto as Exhibit A.

1 2. Creditor filed Claim 5 in the above-referenced bankruptcy case and asserts a claim
2 of \$ 31,674.77 on the basis of "Credit Card" A copy of Creditor's Claim is attached hereto as
3 Exhibit B.

4 3. Debtors object to Claim 5 on the grounds that there is no contract between Debtors
5 and Creditor, and the proof of claim for Claim 5 provides no evidence that Creditor has been
6 assigned any rights to collect on a contract between Debtors and Capital One Bank (USA),
7 N.A., the original creditor.

8 4. A proposed Order is attached hereto as Exhibit C.

9
10
11 Having fully set forth their argument, Debtors respectfully request that the Court sustain the
12 Objection to Creditor's claim, Claim 5, and issue an Order disallowing the full amount of Claim
13 5, and for such further relief as the Court may deem appropriate.

14
15
16 Dated this 18 June 2015.

17
18 **M Jones and Associates**
19 Attorneys for Debtor

20 

21 _____
22 Michael Jones

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND

GRAHAM DOUGLAS ANDERSEN (“Debtors”) filed a petition for relief under Chapter 13 of the Bankruptcy Code on January 1, 2015, Case No. 8:15-bk-10001-CB (“Bankruptcy Case”).

On April 17, 2015, Cavalry SPV I, LLC (“Creditor”) filed proof of claim, Claim 5, in the Bankruptcy Case in the amount of \$ 31,674.77 based on “Credit Card.” *See* a true and correct copy of Claim 5 attached here as Exhibit B.

The proof of claim for Claim 5 asserts that Cavalry SPV I, LLC is entitled to payment from the Debtors on a debt obligation that the Debtors incurred with Capital One Bank (USA), N.A.. Debtors have never had any privity of contract with Cavalry SPV I, LLC, disputes that they owe Cavalry SPV I, LLC anything whatsoever, and Creditor has never produced any evidence that they are entitled to payment on Debtors’ particular debt obligation with Capital One Bank (USA), N.A. or that they are the successor-in-interest to Capital One Bank (USA), N.A.. *See* Declaration of Debtors, attached here as Exhibit A.

As evidentiary support for Claim 5, Creditor included details on the debt owed to Capital One Bank (USA), N.A.. There is also a Bill of Sale that claims to document the sale of certain accounts from Capital One Bank (USA), N.A. to Cavalry SPV I, LLC. However, the documentation supporting the proof of claim for Claim 5 is noticeably devoid of any evidence that Creditor is the owner of the particular account involving Debtors. In fact, the Bill of Sale merely says that some accounts were sold to Cavalry SPV I, LLC, but no identification of the actual accounts sold is provided. None whatsoever. *See* Exhibit B.

II. ARGUMENT

The Court should sustain Debtors' Objection to the proof of claim filed by Creditor, Claim 5, and issue an Order disallowing the full amount of Claim 5 in accordance with Fed.R. Bankr. Proc. 3007 because the Debtors did not enter into any contract with Creditor. Additionally, Claim 5 is devoid of any evidence showing that Creditor has been assigned the rights of Capital One Bank (USA), N.A. on Debtors account, or that Creditor is a successor-in-interest to Capital One Bank (USA), N.A..

Creditor provides ample evidence that Debtors entered into a contract with Capital One Bank (USA), N.A.. However, Creditor fails to provide any evidence that Creditor has been assigned any rights on a contract between Capital One Bank (USA), N.A. and Debtors, leaving a noticeable gap in Creditor's chain attempting to link Debtors to Creditor. Creditor also fails to provide any evidence that Creditor is a successor-in-interest to any identified rights or contracts of Capital One Bank (USA), N.A..

Creditor was not a party to the account between Debtors and Capital One Bank (USA), N.A., and Debtors are informed, believe, and therefore allege that Creditor lacks the right and lacks the authority to assert a claim on the account owed to Capital One Bank (USA), N.A.. Debtors are informed, believe, and therefore allege that Creditor is without the authority or right to attempt to collect any debt that is allegedly owed to Capital One Bank (USA), N.A..

Therefore, the full amount of Claim 5 should be disallowed because Debtors did not enter into a contract with Creditor, Creditor failed to provide any evidence that Creditor has the right to enforce a contract between Debtors and Capital One Bank (USA), N.A., and Creditor fails to provide any evidence that Creditor is a successor-in-interest to Capital One Bank (USA), N.A..

1 Accordingly, the full amount of Claim 5 should be disallowed because there is no privity
2 between Debtors and Cavalry SPV I, LLC, and there is no evidence that Creditor is entitled to
3 enforce the rights of any agreement between Debtors and Capital One Bank (USA), N.A..
4

5
6 **III. CREDITOR'S BURDEN TO SUBSTANTIATE CLAIMS**

7 A properly filed proof of claim is considered prima facie valid, but once evidence
8 supporting an objection to that claim has been produced, the creditor has the burden of proving
9 the validity of the claim. *Raleigh v. Illinois Dep't of Revenue*, 530 U.S. 15 (2000). A claim
10 lacking proper documentation is not entitled to prima facie validity, requiring the claimant to
11 establish the claim by a preponderance of the evidence or be subject to disallowance. *In re*
12 *Health*, 331 BR 424, 433-35 (9th Cir. BAP 2005); Cal. Prac. Guide: Bankruptcy (Rutter) at
13 17:1401.
14

15 This Objection, memorandum of points and authorities, and Debtors' declaration provide
16 evidence supporting the invalidity of Creditor's claim, Claim 5. Therefore, Creditor has the
17 burden of proving the validity of Claim 5, a claim for which Creditor failed to provide any
18 evidence regarding an agreement between Debtors and Cavalry SPV I, LLC, or for which there
19 is any evidence that Creditor owns the particular account between Debtors and Capital One
20 Bank (USA), N.A..
21
22

23
24 **IV. CONCLUSION**

25 Due to the foregoing reasons, Debtors respectfully request that the Court sustain their
26 objection to Creditor's claim, Claim 5, and enter an Order disallowing the full amount of the
27 claim, \$ 31,674.77 .
28

1
2 Dated this 18 June 2015.

3
4 **M Jones and Associates**
5 Attorneys for Debtor

6 

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Michael Jones

EXHIBIT A

Declaration of Debtor

**DECLARATION OF GRAHAM DOUGLAS ANDERSEN IN SUPPORT OF THE
OBJECTION TO CLAIM OF CAVALRY SPV I, LLC, CLAIM 5**

I, Graham Douglas Andersen, being duly sworn, state as follows:

1. I am over 18 years of age. I have personal knowledge of the facts herein and would and could competently testify, if called upon to do so, to each of the following facts based upon my own personal knowledge, and/or information and belief if so stated.

2. I am a debtor in the bankruptcy case *In re Graham Douglas Andersen*, Central District of California, case number 8:15-bk-10001-CB ("Bankruptcy Case").

3. Cavalry SPV I, LLC ("Creditor") has filed a proof of claim, Claim 5, in the above captioned case. A true and correct copy of Claim 5 is attached as Exhibit B to the OBJECTION TO CLAIM ("Objection").

4. I have never entered into any agreement with Cavalry SPV I, LLC under which I would owe them anything whatsoever. In fact, until they filed their alleged proof of claim in my bankruptcy case, I had no dealings with, or knowledge of, Cavalry SPV I, LLC or their claim that I owed them money. There has never been any privity of contract between myself and Cavalry SPV I, LLC for any purpose whatsoever.

5. All of my dealings regarding the claimed basis of the debt were always with Capital One Bank (USA), N.A.. To the best of my knowledge, anything that I may owe on the account with Capital One Bank (USA), N.A. remains due and payable to Capital One Bank (USA), N.A. exclusively.

6. I respectfully ask that the Court sustain this objection to Claim 5 and enter an Order disallowing the full amount of Claim 5.

7. I respectfully ask that the Trustee consider this claim to be disallowed and

1 abstain from distributing any funds Creditor from the estate.

2
3 I declare under penalty of perjury under the laws of the United States that the foregoing
4 is true and correct. This declaration was executed at Santa Ana, California on the date below
5 stated.
6

7 Dated this May 22, 2015,
8

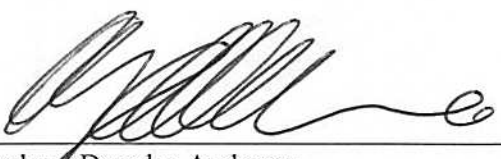
9
10 
11 _____
12 Graham Douglas Andersen
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT B

Claim of Creditor

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA		PROOF OF CLAIM
Name of Debtor GRAHAM DOUGLAS ANDERSEN	Case Number: 15-10001	COURT USE ONLY
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Cavalry SPV I, LLC as assignee of Capital One Bank (USA), N.A.		
Name and address where notices should be sent: Cavalry SPV I, LLC as assignee of Capital One Bank (USA), N.A. c/o Bass & Associates, P.C. 3936 E Ft. Lowell Road Suite #200 Tucson, AZ 85712 Telephone number: 520-577-1544 email: ecf@bass-associates.com		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
1. Amount of Claim as of Date Case Filed: \$ <u>31,674.77</u>		
If all or part of the claim is secured, complete item 4.		
If all or part of the claim is entitled to priority, complete item 5.		
<input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges		
2. Basis for Claim: <u>Credit Card</u> (see instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: 2909	3a. Debtor may have scheduled account as: (See instruction #3a)	3b. Uniform Claim Identifier (optional): (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate: _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for Perfection: Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (1). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
Amount entitled to priority: \$ _____		
<i>* Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "**redacted**".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

☐ I am the creditor.

☒ I am the creditor's authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent.

☐ I am a guarantor, surety, indorser, or other codebtor.

(See Bankruptcy Rule 3004.)

(See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Tyrus Trueblood

Title: Administrative Assistant

Company: Bass & Associates, P.C.

Address and telephone number (if different from notice address above):

/s/ Tyrus Trueblood
(Signature)

3/23/15
(Date)

Telephone number:

email:

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of

claim.

DEFINITIONS**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. § 506 (a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. § 507 (a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

Bass & Associates, P.C.

Debtor(s) Name:	GRAHAM DOUGLAS ANDERSEN
Account Number:	****2909

Claim Based on an Open-End or Revolving Consumer Credit Agreement

Balance: \$31,674.77	Principal: \$31,674.77	Interest: \$0	Fees: \$0
(i) The name of the entity from whom the creditor purchased the account: CAPITAL ONE BANK (USA), N.A.			
(ii) The name of the entity to whom the debt was owed at the time of an account holder's last transaction on the account: CAPITAL ONE BANK (USA), N.A.			
(iii) The date of the account holder's last transaction: 11/11/2014			
(iv) The date of the last payment on the account: 11/11/2014			
(v) The date on which the account was charged to profit and loss: 12/24/2014			

LIMITED POWER OF ATTORNEY

Cavalry SPV I, LLC ("Company"), with respect to those certain bankruptcy proceeding accounts serviced by Bass & Associates, P.C. after October 1, 2014, hereby appoints and authorizes Bass & Associates, P.C. to be the Company's attorney-in-fact with limited power and authority to execute and file proofs of claim and reaffirmation agreements on the Company's behalf. This Power of Attorney shall be governed by and construed in accordance with the laws of the State of New York and expires on December 31, 2015, unless previously revoked by the Company.

IN WITNESS WHEREOF, Cavalry SPV I, LLC has caused this Limited Power of Attorney to be executed by its duly authorized representative this 14th day of October, 2014.

CAVALRY SPV I, LLC

By: [Signature]

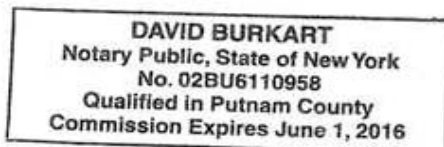
Its: EVP

STATE OF NEW YORK) SS:

COUNTY OF WESTCHESTER)

On the 14th day of October, in the year 2014 before me, the undersigned, a Notary Public in and for said State, personally appeared CHRISTIAN PARLER personally known to be or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

[Signature]
Notary Public



Forward Flow Receivable Sale Agreement dated December 22, 2014

BILL OF SALE


Closing Date: January 26, 2015

Capital One Bank (USA), National Association ("Seller"), in consideration of a Purchase Price of \$_____ and other valuable consideration, the receipt of which is hereby acknowledged, hereby sells, assigns and transfers all right, title and interest in the Accounts identified in the Sale File entitled "20150121.PS97BL.SLDFLE2.TXT" (which may be in electronic form) to Cavalry SPV I, LLC ("Buyer"), without recourse or representation except as expressly provided herein or on the terms, and subject to the conditions, set forth in the Agreement (as defined below).

This Bill of Sale is delivered pursuant to that certain Forward Flow Receivable Sale Agreement, dated as of December 22, 2014, by and between Seller and Buyer (the "Agreement"). All capitalized terms used, but not defined, in this Bill of Sale shall have the meanings assigned to such terms in the Agreement.

The Cutoff Date for the Sale File was January 21, 2015. The aggregate Unpaid Balance of the Accounts as of the Cutoff Date was \$_____

**CAPITAL ONE BANK (USA), NATIONAL
ASSOCIATION**

By: 

Name: John H. Maurer

Title: Vice President, Loss Mitigation

EXHIBIT C

Proposed Order

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Michael Jones 505 N Tustin Ave, Ste 105 Santa Ana, CA 92705 714-795-2346 Fax: 888-341-5213 California State Bar Number: 271574 mike@mjthelawyer.com	FOR COURT USE ONLY
<input type="checkbox"/> Debtor(s) appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtor	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA –<u>Santa Ana</u> DIVISION	
In re: GRAHAM DOUGLAS ANDERSEN	CASE NO.: 8:15-bk-10001-CB CHAPTER: 13
	ORDER ON OBJECTIONS TO CLAIMS
Debtor(s).	DATE: July 9, 2015 TIME: 1:30 PM COURTROOM: 5D PLACE: 411 W Fourth Street, Santa Ana, CA 92701

The Debtor or trustee having filed objections to certain claims, the court having considered the evidence and argument presented in support and in opposition to such objections, if any, and good cause appearing, the court makes the following ruling as to the objections to claims:

(NOTES FOR USE OF THIS FORM: List claims in ascending numerical order based upon the clerk's claim number. Use a separate box below for each claim. Attach as many continuation pages as are necessary.)

Calendar Number:	Claim Number: 5	Claim Amount: \$ 31,674.77
Claimant Name: Cavalry SPV I, LLC		
<input checked="" type="checkbox"/> Disallowed	<input type="checkbox"/> Allowed	<input type="checkbox"/> Unsecured: \$
		<input type="checkbox"/> Priority: \$
Comments:		

Calendar Number:	Claim Number:	Claim Amount: \$
Claimant Name:		
<input type="checkbox"/> Disallowed	<input type="checkbox"/> Allowed	<input type="checkbox"/> Unsecured:
		<input type="checkbox"/> Priority: \$
Comments:		

Calendar Number:	Claim Number:	Claim Amount: \$
Claimant Name:		
<input type="checkbox"/> Disallowed	<input type="checkbox"/> Allowed	<input type="checkbox"/> Unsecured:
		<input type="checkbox"/> Priority: \$
Comments:		

Calendar Number:	Claim Number:	Claim Amount: \$
Claimant Name:		
<input type="checkbox"/> Disallowed	<input type="checkbox"/> Allowed	<input type="checkbox"/> Unsecured:
		<input type="checkbox"/> Priority: \$
Comments:		

###

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**505 N Tustin Ave, Ste 105
Santa Ana, CA 92705**

A true and correct copy of the foregoing document entitled (*specify*): **OBJECTION TO CLAIM OF CAVALRY SPV I, LLC, CLAIM 5** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **June 18, 2015**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On **June 18, 2015**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **June 18, 2015**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Hon. Catherine Bauer by chambers dropbox per local rules.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

June 18, 2015
Date

Michael Jones
Printed Name

/s/ Michael Jones
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Parties served by ECF

- Kari J Archibald KARI.J.WILLIAMS@WELLSFARGO.COM
- Amrane (SA) Cohen (TR) efile@ch13ac.com
- Joseph C Delmotte efcacb@aldridgepite.com,
JCD@ecf.inforuptcy.com;jdelmotte@aldridgepite.com
- Sheryl K Ith sith@cookseylaw.com
- Michael Jones mike@mjthelawyer.com, michaeljonesmyecfmail@gmail.com
- Meghan Reingardt meghan.reingardt@wellsfargo.com
- Ramesh Singh claims@recoverycorp.com
United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

Parties Served by Mail

Cavalry SPV I, LLC as assignee of Capital One Bank (USA), N.A.
c/o Bass & Associates, P.C.
3936 E Ft. Lowell Road Suite #200
Tucson, AZ 85712